

may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES REGARDING CONSIDERATION OF AMENDMENTS TO H.R. 1158, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS, AND TO H.R. 1159, MAKING SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Rules Committee is planning to meet on next Tuesday, March 14, to grant a rule which may limit the kind of amendments which may be offered to H.R. 1158, making emergency supplemental appropriations and rescissions and to H.R. 1159, making supplemental appropriations and rescissions.

The rule will, subject to the approval of the Rules Committee, include a provision requiring that amendments not increase the net level of budget authority in the bill. This means that if there is a proposal to add budget authority, it must be offset by other cuts in budget authority. And rescissions would be treated in a similar manner. If an amendment proposes to eliminate a rescission, it would need to include offsetting cuts.

The rule may further provide that the bill will be read for amendment by chapter, which means that any addition to a particular chapter of the bill would have to be offset by increasing rescissions in the same chapter.

New rescissions affecting programs other than those in the bill would constitute legislation on an appropriation and violate the standing rules of the House.

Subject to the approval of the Rules Committee this rule will include a provision requiring amendments to be preprinted in the amendment section of the CONGRESSIONAL RECORD. Amendments should be submitted for printing no later than Monday, March 13, 1995.

Amendments to be preprinted should be signed by the Member, and submitted at the Speaker's table.

The bill may be considered for amendment under the 5-minute rule, with a possible overall time limitation on the amending process.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House. It is not necessary to submit amendments to the Rules Committee or to testify.

□ 1215

That is certainly optional.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. According to our latest information, the House is not in session Monday; is that so?

Mr. SOLOMON. In order to give Members a fair opportunity to prefile their amendments on this very important issue dealing with rescissions, the House is going to be in session pro forma on Monday, which means Members would have that opportunity to prefile their amendments so that they would appear in Tuesday's RECORD. That is very important.

Mr. MOAKLEY. Does the gentleman mean Members are going to come in here to sit for 5 minutes in order that they can file an amendment?

Mr. SOLOMON. No, I think that Members can submit their amendments, they can prefile them like we always do on Monday. You sign your name to it, your staff then drops them in the hopper for you.

Mr. MOAKLEY. How long will we be in session in the pro forma session?

Mr. SOLOMON. That depends.

Mr. MOAKLEY. It does not depend on us, how long we would be in session.

Mr. SOLOMON. It depends on how many 1-minutes there might be and how many special orders.

Mr. MOAKLEY. With no votes, the gentleman from New York [Mr. SOLOMON] is going to tell me we are going to go through an extensive pro forma session?

Mr. SOLOMON. Under unanimous-consent requests, filing of amendments would be in order up until 5 p.m. and that is the normal procedure of the House. We would have no objection to that.

Mr. MOAKLEY. Yes, but that request has not been made.

Mr. SOLOMON. No, we intend to make it.

Mr. MOAKLEY. When?

Mr. SOLOMON. So Members could be assured that they would have until 5 p.m. to file their amendments Monday. Again, this is in lieu of making them file their amendments by Friday at 5. This gives Members and their staffs the entire weekend and all day Monday.

Mr. MOAKLEY. So it is giving us our day off to come back here and file amendments. Is that what the gentleman is giving us?

Mr. SOLOMON. If the gentleman will let me interrupt him, I will make the unanimous-consent request right now.

PERMISSION FOR MEMBERS TO PREFILE AMENDMENTS ON H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS AND H.R. 1159, SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that Members

would have until 5 p.m. on Monday to prefile their amendments on the rescission bills.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from New York?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object, would the gentleman be kind enough to withhold that request until we clear it with our leadership on this side, because I am sure this comes as quite a surprise.

Mr. SOLOMON. If the gentleman will yield, the gentleman is one of my best friends, and I would be glad to withdraw it at his request.

Mr. MOAKLEY. I thank the gentleman.

Mr. DINGELL. Mr. Speaker, I would also like to reserve the right to object.

Mr. SOLOMON. I have withdrawn the request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has withdrawn his request.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, let me ask the gentleman two questions that relate to the original announcement made by the gentleman from New York [Mr. SOLOMON], the committee chairman.

First of all, the gentleman mentioned legislating on an appropriation bill. Am I correct that the intent of the Committee on Rules will be to protect that legislation that is on the bill as it was reported by the committee?

Mr. SOLOMON. Absolutely. We intend to abide by the rules of the House.

Mr. HOYER. So you will be protecting—

Mr. SOLOMON. All we are saying is that if Members have amendments that would reinstate any of the cuts appearing in the bill that they would have to have offsetting cuts by chapter. In other words, in the Department of Veterans Affairs, HUD and Independent Agencies chapter, if you were going to reinstate a cut in that chapter, then you would have to provide for offsetting cuts within that chapter. But you are still allowed to offer further cuts on any of the chapters if you see fit, without offsetting anything.

Mr. HOYER. I understand. So if you wanted to make a cut in the defense chapter, there is no defense chapter, but if there were, you would have to make the cut in defense?

Mr. SOLOMON. Absolutely.

Mr. HOYER. That was, however, not the same when we added to the defense and made rescissions in the domestic side of the ledger some weeks ago. So we are changing that; is that correct?

Mr. SOLOMON. As we are doing it by chapter, right, because of the complexity of this legislation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. DINGELL. What I am trying to do is to find out from my good friend the gentleman from New York, when will the basic legislation be available to us and when will the requirement for publication take place so we understand how much time we are going to have between the time the legislation becomes available and the time that the amendments—

Mr. SOLOMON. It is in today's RECORD. The gentleman has access to it. It was filed last night.

Mr. DINGELL. It was filed last night?

Mr. SOLOMON. Yes.

Mr. DINGELL. If the gentleman would yield further, could the gentleman tell me whether there will be changes in the legislation between now and the time that the printing requirement bites, so that we can understand that our amendments if drafted will be drafted to the legislation that will be considered by the House?

Mr. SOLOMON. To my knowledge, there will be no changes made. The report has been filed and the legislation is before you. It is pretty cut and dried.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. SOLOMON. I am waiting for the gentleman from Massachusetts up in the Committee on Rules. We are holding up all these people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to address the outstanding chairman of the Committee on Rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. The gentleman from New York [Mr. SOLOMON] says this is all cut and dried. So is there any reason for any amendments to be offered by Democrats? Are we going to be given any choice when you are picking out the Democratic amendments?

Mr. SOLOMON. There is a prefiling requirement. We intend to place a time limitation, but we would hopefully be able to take care of anyone's amendments, Democrat or Republican, liberal or conservative. We want to be as fair as we possibly can.

Mr. MOAKLEY. Mr. Speaker, I want to yield to our mutual friend, the chairman of the Committee on Veterans' Affairs, the Honorable General MONTGOMERY.

Mr. SOLOMON. He is not the chairman. He is the former good chairman, though.

Mr. MOAKLEY. He is always chairman to me.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield, I have been talking to him about the rescission of \$206 million on veterans programs, mainly outpatient clinics which have been very, very important to take care of the older vet now that we have got about 20 million that are over age 60.

I have talked to the gentleman before. How does this affect the veterans?

Mr. SOLOMON. This means if you want to offer an amendment reinstating the cuts that appear in that chapter of the rescission bill—and I would support such an amendment, and I will take the floor and fight for it with you—it means that you are going to have to offset that reinstatement with a like amount of dollar cuts from other items appearing in that same chapter. Again that chapter takes in the Department of Veterans Affairs, it takes in HUD and independent agencies.

Just, for example, if you want to reinstate the veterans' cuts—and I do want to reinstate them, too—you are going to have to take them out of something like the National Service Corps, Americorps. In other words, we are going to have to decide which is the priority, and I will support the gentleman no matter where he takes it out of, out of that chapter.

Mr. MONTGOMERY. Will the gentleman support me if we do not take it away from anybody and just offer a clean amendment?

Mr. SOLOMON. No, I would not support that, because we have a responsibility to maintain the defense budget. With all the money that has been taken out of the defense budget for all of the peacekeeping missions, that is wrong. We have got to reinstate it someplace, and I will support your amendment if you offer it and will take the cuts out of somewhere else in the chapter.

The SPEAKER pro tempore. All time has expired.

(By unanimous consent, Mr. MOAKLEY was allowed to proceed for 1 additional minute.)

Mr. MOAKLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. To the chairman of the Committee on Rules, one more question.

Mr. SOLOMON. One more time.

Mr. MONTGOMERY. In that chapter, the only thing the veterans have would be compensation and pensions, and I certainly would not want to cut compensation and pension programs.

Mr. SOLOMON. No.

Mr. MONTGOMERY. In that chapter, what else does it include that we could get the money from? And would you let me offer a clean amendment just to take care of the \$206 million?

Mr. SOLOMON. SONNY, as a matter of fact, here is a list I will be glad to give to you. There are a lot of items in that chapter. Certainly I would not want to see you take it out of other veterans' benefits, but if you want to take it out of the National Service Corps, I will support your amendment. If you do not want to do that, I will do it.

Mr. MOAKLEY. Is the gentleman from New York [Mr. SOLOMON] going to allow the amendments that have been subject to the Appropriations Committee's—

The SPEAKER pro tempore. All time has expired.

Mr. MOAKLEY. May the gentleman from New York [Mr. SOLOMON] have

enough time just to answer the question Mr. Speaker?

Mr. SOLOMON. That is up to the Committee on Rules, JOE, and you are the ranking member.

Mr. MOAKLEY. You are the Committee on Rules. I am asking.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 109 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 956.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 8, 1995, all time for general debate pursuant to House Resolution 108 had expired.

Pursuant to House Resolution 109, no further general debate is in order.

The amendment in the nature of a substitute consisting of the text of H.R. 1075 is considered as an original bill for purposes of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Common Sense Product Liability and Legal Reform Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Findings and purposes.

Sec. 102. Applicability and preemption.

Sec. 103. Liability rules applicable to product sellers.

Sec. 104. Defense based on claimant's use of intoxicating alcohol or drugs.

Sec. 105. Misuse or alteration.

Sec. 106. Frivolous pleadings.

Sec. 107. Several liability for noneconomic loss.

Sec. 108. Statute of repose.

Sec. 109. Service of process.

Sec. 110. Definitions.

TITLE II—PUNITIVE DAMAGES REFORM

Sec. 201. Punitive damages.

Sec. 202. Definitions.

TITLE III—BIOMATERIALS SUPPLIERS

Sec. 301. Liability of biomaterials suppliers.

Sec. 302. Procedures for dismissal of civil actions against biomaterials suppliers.